

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**John Michael Schatteles, M.D. )**

**Case No. 800-2018-050337**

**Physician's and Surgeon's )  
Certificate No. A 71550 )**

**Respondent )**

**DECISION**

**The attached Stipulated Surrender or License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on September 16, 2019**

**IT IS SO ORDERED September 9, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kimberly Kirchmeyer**  
**Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 State Bar No. 116564  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
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6 *Attorneys for Complainant*

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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-050337

13 **JOHN MICHAEL SCHATTELES, M.D.**  
2101 Elm St.  
14 Fargo ND 58102

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Physician's and Surgeon's Certificate No. A  
71550

16  
17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Jane Zack Simon,  
25 Supervising Deputy Attorney General.

26 2. John Michael Schatteles, M.D. (Respondent) is represented in this proceeding by  
27 attorney Janette Helene Schatteles Flintoft, 528 Palisades Drive #204, Pacific Palisades, CA  
28 90272.

3. On May 4, 2000, the Board issued Physician's and Surgeon's Certificate No. A 71550 to John Michael Schatteles, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-050337 and will expire on May 31, 2020, unless renewed.

## JURISDICTION

4. Accusation No. 800-2018-050337 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent, who filed a Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2018-050337 is attached as Exhibit A.

## **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-050337. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent acknowledges that based on the action taken by the North Dakota Board of Medicine as alleged in the Accusation, cause exists to discipline his California license. Respondent lives and practices in North Dakota, and wishes to surrender his California certificate. Respondent hereby surrenders his Physician's and Surgeon's Certificate No. A 71550 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 71550, issued to Respondent John Michael Schatteles, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2018-050337 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2018-050337 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

## ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Janette Helene Schatteles Flintoft. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 07-18-2019

  
JOHN MICHAEL SCHATTELES, M.D.  
Respondent

I have read and fully discussed with Respondent John Michael Schatteles, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 7/19/15

  
JANETTE HELENE SCHATTELES  
ELINTOFT  
*Attorney for Respondent*

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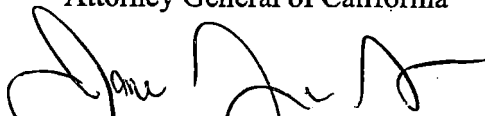
**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 7/24/19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California



JANE ZACK SIMON  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2018-050337**

1 XAVIER BECERRA  
2 Attorney General of California  
3 JANE ZACK SIMON  
4 Supervising Deputy Attorney General  
5 State Bar No. 116564  
6 455 Golden Gate Avenue, Suite 11000  
7 San Francisco, CA 94102-7004  
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11 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO FEB. 6 20 19  
BY JANE ZACK SIMON ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 800-2018-050337

13 **JOHN MICHAEL SCHATTELES, M.D.**  
14 2101 Elm Street  
15 Fargo, ND 58102

**A C C U S A T I O N**

16 Physician's and Surgeon's Certificate No. A71550

17 Respondent.

18 The Complainant alleges:

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
20 of California, Department of Consumer Affairs, and brings this Accusation solely in her official  
21 capacity.

22 2. On May 4, 2000, Physician's and Surgeon's Certificate No. A71550 was issued by  
23 the Medical Board of California (Board) to John Michael Schatteles, M.D. (Respondent). The  
24 certificate is renewed and current with an expiration date of May 31, 2020.

25 **JURISDICTION**

26 3. This Accusation is brought before the Medical Board of California under the  
27 authority of the following sections of the California Business and Professions Code (Code) and/or  
28 other relevant statutory enactment:



1 A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a  
2 period not to exceed one year, or place on probation, the license of any licensee who has  
3 been found guilty under the Medical Practice Act, and may recover the costs of probation  
4 monitoring.

5 B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other  
6 discipline, restriction or limitation imposed by another state upon a license to practice  
7 medicine issued by that state, or the revocation, suspension, or restriction of the authority  
8 to practice medicine by any agency of the federal government, that would have been  
9 grounds for discipline in California under the Medical Practice Act, constitutes grounds for  
10 discipline for unprofessional conduct.

11 C. Section 141 of the Code provides:

12 “(a) For any licensee holding a license issued by a board under the  
13 jurisdiction of a department, a disciplinary action taken by another state, by any  
14 agency of the federal government, or by another country for any act  
15 substantially related to the practice regulated by the California license, may be  
16 a ground for disciplinary action by the respective state licensing board. A  
17 certified copy of the record of the disciplinary action taken against the licensee  
18 by another state, an agency of the federal government, or by another country  
19 shall be conclusive evidence of the events related therein.

20 “(b) Nothing in this section shall preclude a board from applying a  
21 specific statutory provision in the licensing act administered by the board that  
22 provides for discipline based upon a disciplinary action taken against the  
23 licensee by another state, an agency of the federal government, or another  
24 country.”

#### 25 **FIRST CAUSE FOR DISCIPLINE**

26 (Discipline, Restriction, or Limitation Imposed by Another State)

27 4. On November 16, 2018, the North Dakota Board of Medicine issued an Order  
28 regarding Respondent’s license to practice medicine in North Dakota. Under the terms of the  
Order, Respondent is required to participate in the North Dakota Professional Health Program<sup>1</sup>  
for a minimum of one year and a maximum of five years, to comply with any and all requests  
made by and sign any documents requested by, the North Dakota Professional Health Program.

<sup>1</sup> The North Dakota Professional Health Program is a monitoring and treatment program  
for healthcare providers who are or may be impaired due to physical or mental health conditions  
that could compromise public safety.

1 The Order adopted a Stipulation in which Respondent admitted the allegations in a pending  
2 Complaint that on April 20, 2018, Respondent was involved in a motor vehicle accident while on  
3 his way to work at the VA hospital. Police smelled alcohol, and a breathalyzer test showed a  
4 blood alcohol content of .16%. Copies of the Complaint, Stipulation and Order issued by the  
5 North Dakota Board of Medicine are attached as Exhibit A.

6 5. Respondent's conduct and the action of the North Dakota Board of Medicine, as set  
7 forth in paragraph 4, above, constitute cause for discipline pursuant to sections 2305 and/or 141  
8 of the Code.

9 **PRAYER**

10 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board issue a decision:

12 1. Revoking or suspending Physician's and Surgeon's Certificate Number A71550  
13 issued to respondent John Michael Schatteles, M.D.;

14 2. Revoking, suspending or denying approval of Respondent's authority to supervise  
15 physician assistants and advanced practice nurses;

16 3. Ordering Respondent, if placed on probation, to pay the costs of probation  
17 monitoring; and

18 4. Taking such other and further action as the Board deems necessary and proper.

19 DATED: February 6, 2019

20   
21 **KIMBERLY KIRCHMEYER**  
22 Executive Director  
23 Medical Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

## **EXHIBIT A**

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –  
Investigative Panel B,

Complainant,

vs.

John M. Schatteles, M.D.

Respondent.

**COMPLAINT**

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COMES NOW, the Complainant, North Dakota Board of Medicine – Investigative Panel B, and for its Complaint against the Respondent, John M. Schatteles, M.D., alleges and states as follows:

I.

Investigative Panel B of the North Dakota Board of Medicine (“Board”) is authorized pursuant to N.D.C.C. Chapter 43-17.1 to conduct investigations related to the practice of any physician licensed to practice in this state and file a formal complaint against any licensed physician with the Board of Medicine.

II.

John M. Schatteles, M.D. is a physician licensed to practice medicine in the State of North Dakota.

FACTS

III.

At all times mentioned herein, Respondent practiced medicine at the VA Hospital in Fargo, North Dakota.

IV.

On April 20, 2018, Respondent was involved in a motor vehicle accident wherein a semi-trailer caused damage to Respondent's vehicle. Respondent was on his way to work at the VA hospital in Fargo when this accident occurred. While interviewing Respondent about the accident, police smelled the odor of alcohol on Respondent. Respondent admitted to consuming alcohol that day and had a breathalyzer test completed which showed a blood alcohol content of .16. Respondent was subsequently arrested and charged with driving while impaired.

V.

Respondent is subject to disciplinary action pursuant to the provisions of N.D.C.C. § 43-17-30.1 based upon Respondent's violations of the North Dakota Medical Practice act, and/or by engaging in conduct that is dishonorable, unethical, or unprofessional, and that is likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f).

WHEREFORE, Complainant respectfully requests Respondent, John M. Schatteles, M.D., be disciplined for his violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests that the Board be awarded its costs and attorney's fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

**NOTICE:** Respondent must answer this Complaint within twenty days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject's license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 6<sup>th</sup> day of September, 2018.

By

Stacy M. Moldenhauer

Stacy M. Moldenhauer (ID #06293)  
Special Assistant Attorney General  
smoldenhauer@smithporsborg.com  
122 E. Broadway Avenue  
P.O. Box 460  
Bismarck, ND 58502-0460  
Phone: (701) 258-0630  
Facsimile: (701) 258-6498

Attorney for: North Dakota Board of  
Medicine – Investigative Panel B

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine—  
Investigative Panel B,

Complainant,

vs.

John M. Schatteles, M.D.,

Respondent.

STIPULATION

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WHEREAS, the North Dakota Board of Medicine (hereinafter "the Board") issued a Complaint requesting Respondent be disciplined for his violations of the North Dakota Medical Practices Act, by engaging in conduct that is dishonorable, unethical, or unprofessional; and that is likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f).

WHEREAS, the Respondent admits service of the Summons and Complaint and agrees that the facts alleged in the Complaint of Investigative Panel B dated September 6, 2018 are true and are grounds for disciplinary action by the North Dakota Board of Medicine and that the terms of this Stipulation are appropriate;

THEREFORE, IT IS HEREBY agreed by and between the parties to this action and the North Dakota Board of Medicine:

1. The Respondent hereby waives any procedural irregularity herein and his right to a hearing on the Complaint now pending in this action.
2. The Board will enter an Order requiring Respondent to participate in the ND Professional Health Program for a minimum of one (1) year and a maximum of five (5) years. Respondent further agrees that he is required to abide by and comply with any and all requests

made by the ND Professional Health Program. In addition, Respondent will sign any and all documents as requested by the ND Professional Health Program. Any non-compliance by Respondent with the ND Professional Health Program, will be reported to the Board and further disciplinary action may ensue.

3. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$2000.00. The Board will notify the Respondent of any such costs within a reasonable time after the Stipulation is approved by the Board and Respondent shall make payment within (30) days from receiving such notification.

4. If Respondent fails, neglects, or refuses to fully comply with any of the terms, provisions, or conditions herein, the license of the Respondent to practice medicine in the state of North Dakota shall be immediately suspended in accordance with the law.

5. In the event the Board, in its discretion, does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation, and if this case proceeds to a hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

6. This agreement for the disposition of the above-entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

7. All parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to



the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

8. Respondent understands that he has the right and has been afforded the opportunity to have this agreement reviewed by an attorney, and that in the event he chooses to execute this document without taking the opportunity to avail himself of this right, such failure shall be deemed to be a waiver of such right.

9. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced his right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.

10. Respondent further agrees that there have been no inducements, threats or promises made in order to obtain his entry into this agreement.

11. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Dated this 20 day of September, 2018.

  
\_\_\_\_\_  
John M. Schatteles, M.D.

Dated this 20<sup>th</sup> day of September, 2018.

By Stacy M. Moldenhauer

Stacy M. Moldenhauer (ID #06293)

Special Assistant Attorney General

smoldenhauer@smithporsborg.com

122 East Broadway Avenue

P.O. Box 460

Bismarck, ND 58502-0460

Phone: (701) 258-0630

Facsimile: (701) 258-6498

Attorney for: North Dakota Board of  
Medicine – Investigative Panel B

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –  
Investigative Panel B,

Complainant,

vs.

John M. Schatteles, M.D,

Respondent.

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**ORDER**

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WHEREAS, Investigative Panel B of the North Dakota Board of Medicine issued a Complaint against Respondent on September 6, 2018 alleging Respondent engaged in conduct that is dishonorable, unethical, or unprofessional, and that is likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f). The Board requested Respondent be disciplined for his violations of the Medical Practices Act. The Board also requested it be awarded its fees and costs associated with this matter.

WHEREAS, Respondent and Investigative Panel B entered into a voluntary Stipulation dated September 20, 2018 wherein Respondent admitted he engaged in conduct that was dishonorable, unethical, or unprofessional, and that was likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f) and admitted the facts alleged in the complaint were true and were grounds for discipline.

WHEREAS, the North Dakota Board of Medicine finds that the terms of that Stipulation are an appropriate disposition of this case.

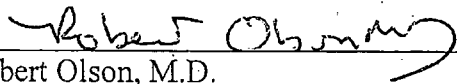
IT IS HEREBY ORDERED THAT:

1. Respondent is required to participate in the ND Professional Health Program for a minimum of one (1) year and a maximum of five (5) years. Respondent is required to abide by and comply with any and all requests made by the ND Professional Health Program. In addition, Respondent will sign any and all documents as requested by the ND Professional Health Program. Any non-compliance by Respondent with the ND Professional Health Program, will be reported to the Board and further disciplinary action may ensue.

2. Respondent is required to pay the costs of the prosecution of this action not to exceed \$2,000.00. Within thirty (30) days from the date Respondent is notified of the exact amount of the fees and expenses, Respondent shall pay said fees and expenses in full.

This Order is effective November 16, 2018.

NORTH DAKOTA BOARD OF MEDICINE

  
Robert Olson, M.D.  
Chairman